IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTH DAY OF OCTOBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO : 21669 of 2005

Between:

1. Bharat Sanchar Nigam Ltd.,

Rep by its Chief General Manager,

Telecom., A.P. Circle, Hyderabad.

2. The General Manager,

Telecom District, Nizamabad.

...PETITIONERS

AND

1. The Asst.Provident Fund Commissioner (C & R),

Employees Provident Fund Organisation,
Ministry of Labour, Govt of India),

Sub Regional Office, Nyalkal Road,
Nizamabad-503 001.

2. The Regional Provident Fund Commissioner,

Barkathpura, Hyderabad.

...RESPONDENTS

* * *

ORDER:

This writ petition has been filed to declare the order No.AP/SRO/NZB/PD Cell/14-B/38102/2005-06/268 dated 23.06.2005 issued by the first respondent directing the second petitioner to remit an amount of Rs.2,74,720/- to the respective Employees' Provident Fund Accounts maintained at the State Bank of Hyderabad, Nizamabad within three days of receipt of the proceedings towards penal damages/penal interest @ 12% per annum, as illegal and void.

2. Heard the learned Standing Counsel for the petitioners and the learned Standing Counsel for the respondents.

3. The order under challenge is appealable under Section 7-I of Employees' Provident Funds and Miscellaneous Provisions Act, 1952.

4. Therefore, without entering into the merits of the writ petition, the writ petition is disposed of directing the petitioners to avail alternative remedy available under law. No costs.

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K.C.BHANU, J.

Date: 05th October 2005.

BSB